

Secretary Kobach takes office

Newly-elected Secretary of State Kris W. Kobach took his oath of office on January 10, 2011 in the State Capitol building along with other state-wide officers, including Governor Sam Brownback, Lieutenant Governor Jeff Colyer, Attorney General Derek Schmidt, State Treasurer Ron Estes, and Commissioner of Insurance Sandy Praeger.

Just a couple of hours after taking the oath, Kobach performed his first statutory duty when he convened the Kansas House of Representatives at 2:00 pm.

By law, the Secretary gavels the newly-elected House members to order, appoints officers, calls Representatives' names as the Chief Justice of the Supreme Court administers their oaths, and then hands the gavel to the Speaker of the House.

Kobach was accompanied throughout his inaugural day by former U.S. Attorney General John Ashcroft, for whom Kobach once worked as



As of January 10, Kris W. Kobach is Kansas' Secretary of State. Photo provided by Kris W. Kobach.

an attorney in the Department of Justice. Ashcroft attended a private reception for office employees and posed for pictures with each person in attendance.

The new administration is less than two months old, but Secretary Kobach has wasted no time in pursuing his legislative agenda. Within a week of taking office, he had proposed the

centerpiece of his legislative package, the Secure and Fair Elections (SAFE) Act. This bill would require each voter to provide proof of U.S. citizenship when registering to vote, and photographic identification at each election.

The new Secretary brought five personal staff members on board with him. (See his letter in this newsletter for

details.)

Most of the rest of the staff remain from the previous administrations, including all the staff of the Elections Division except Jenn Schneider, who left the office last December as reported elsewhere in this newsletter. ■

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Local elections underway

The biennial (for some cities, annual) elections for local school boards and city officers have begun.

The candidate filing deadline occurred at noon on Tuesday, January 25, 2011, only eleven weeks after the general election of November 2, 2010.

All school districts and cities will have elections this spring because it's an odd-numbered year. Many counties will also be conducting elections for other local jurisdictions that coincide with school and city elections: irrigation districts, water districts, drainage districts, and extension council districts.

Local elections continue to be run with a confusing law passed in 2008 that makes it difficult to determine how many candidates should be carried forward from the primary to the general, if a primary is held.

The Kansas County Clerks and Election Officials Association has proposed legislation this year, similar to a bill proposed in 2010, to remedy the contradictory language in the current law.

The 2008 law has had the desired effect, however, of decreasing the number of primary elections held in local jurisdictions, thus reducing costs for these units of government. ■

HAVA audit update

Take a breath. We survived. The audit you heard about in the last issue has completed its first stage.

From January 31, 2011 through February 17, two federal auditors representing the Election Assistance Commission have been in the SOS office conducting the official audit of HAVA funds and expenditures. During the three weeks of onsite work, the auditors investigated contracts, expenditures, accounting systems, payroll records, equipment inventories, and program income. While their findings are not final, we believe them to be largely positive.

One thing that will come about because of the audit is a change in the way we keep inventory of voting equipment within the state of Kansas. Unknown until the audit began, a set of federal regulations, known as the "Common Rule," applies to nearly any entity that receives and expends federal funds. Part of that is keeping adequate records of the

Key Spring Election Cycle Dates

February 9	Advance voting begins for primary election
February 14	Voter registration deadline for primary election
March 1	Primary election (if necessary)
March 16	Advance voting begins for general election
March 25	Voter registration deadline for general election
April 5	General election

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Jenn Schneider leaves SOS Office

Jenn Schneider, a longtime employee of the Elections Division of the Secretary of State's office, resigned her position on December 3, 2010 to take a position with the Kansas Governmental Ethics Commission.

Jenn worked in Elections for more than ten years, and before that, she worked in the SOS Uniform Commercial Code Division.

Jenn's duties in Elections included managing the campaign finance reporting system, registering lobbyists, answering the main phone in the office, and generally backing up all the other desks.

She also became adept over the years at helping to write requirements for some of the SOS's electronic initiatives, including online campaign finance filing, electronic filing of Statements of Substantial Interests, and the online lobbyist registration system.

Many county election officers were familiar with Jenn, since she often was the first person on the phone when it rang. Jenn's experience and efficiency in the job will be sorely missed.

Jenn's new job title at GEC is Local Campaign Finance Supervisor. In that position, she will

continue to work with county election officers in administering the requirements of the Kansas Campaign Finance Act. Since leaving the SOS office, she has returned to visit a number of times, and we continue to call her with questions.

Jenn's replacement is Amber Baker. Amber has worked previously as a college intern in the SOS Human Resources office of the Administration Division. Amber is finishing her degree this semester at Washburn University as she settles into her new full-time job. ■

SOS to attend KCCEOA Conference

The annual spring conference of the Kansas County Clerks and Election Officials Association is scheduled for May 4-6, 2011 in Salina. KCCEOA officers met in Salina on February 10 to plan the conference, the theme of which will be centered around the Kansas Sesquicentennial.

Details will be forthcoming, but so far it is known that the Secretary of State's office will be in charge of the agenda on Thursday, May 5 for training on elections.

The Secretary of State's presentation will include a discussion of the SAFE Act, which is the centerpiece of Secretary of State Kris Kobach's legislative agenda this year.

Additional legislation will also be discussed, and the Federal Voting Assistance Program's Executive Director, Bob Carey, plans to attend to discuss overseas voting, the MOVE Act of 2009, and other initiatives planned by the FVAP. Other possible topics for

Krystal Huffles retiring as Rawlins clerk

Rawlins County Clerk Krystal Huffles retired as county clerk on February 24th. Krystal is moving closer to her family in Wichita, where she can spend more time with her son and granddaughters.

She will be working for a small machine shop in Wichita that makes parts for aircraft companies. As a former employee of Raytheon Aircraft in Wichita, this will be a return to her roots.

Krystal started working part time in elections in 2002, became Deputy Clerk in 2004 and was appointed to fill Meredith Hrnchir's term in February 2008.

Krystal is leaving us with a few parting words: "I have been so impressed with all of my fellow clerks. They are a superb group of persons and some of the smartest people I know AND they don't mind sharing

their knowledge. I know that I stumbled when I first took office, but they helped me learn and pick myself back up. I am going to miss all of them, but I really won't miss the HAVA meetings." (That hurts.)

Congratulations and good luck, Krystal. We're sure Bill Gale will be happy to have a new board worker in Sedgewick County! ■

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Many repeats in 2011 elections legislation

In January of odd-numbered years, the Legislature begins a new two-year term and starts fresh with all new bills. No bills are carried forward from one term to the next, although bills that do not pass in the first year (the odd-numbered year) of the term are carried over to the next year.

In the area of elections legislation, however, very few bills have passed in the previous couple of years, so many have been reintroduced this year. Therefore, many of the bills in the list provided here are repeat bills; they will look familiar because, in many cases, they are identical to bills that failed to pass for one reason or another in recent years. Only the bill numbers have changed.

The Kansas County Clerks and Election Officials Association has proposed several bills, and the Secretary of State's office has five.

The centerpiece of Secretary of State Kris Kobach's legislative package is the Secure and Fair Elections (SAFE) Act, which is House Bill 2067. It would require each voter to provide photo ID at each election, and each new applicant for registration beginning January 1, 2012 would have to provide proof of U.S. citizenship when registering.

More bills will probably be added to the list, and the SOS office will email the latest updates periodically during the legislative session. The information contained here is compiled as of mid-February. ➔

2011 Senate Bills

SB 43 – This is a campaign finance bill that would allow candidates covered by the Campaign Finance Act to transfer leftover campaign funds from one campaign account to another.

SB 102 – Proposed by the Governmental Ethics Commission, this bill would raise candidate filing fees, lobbyist fees and political committee fees to offset budget reductions experienced by GEC.

SB 103 – Proposed by the SOS, this bill would enhance voting procedures for overseas UOCAVA voters and comply with the 2009 federal MOVE Act. It is identical to 2010 SB 426. It would (1) allow UOCAVA voters to obtain ballot applications and other information electronically, (2) receive and return their ballots by email or other electronic means, (3) track the progress of their ballots electronically, and (4) vote a full ballot, including precinct committee positions and local question submitted elections.

SB 125 – Proposed by the KCCEOA, this bill would move the candidate filing deadline in even-numbered years beginning in 2014 from noon on June 10 to noon on June 1 to allow time for preparation of overseas UOCAVA ballots.

SB 127 – Proposed by the KCCEOA, this bill would reduce the number of spring primaries for city/school board/community college board of trustees positions. The bill would clean up the confusing language in the 2008 law and maintain the intent of the 2008 law, which raises by one the number of candidates that trigger a primary. If 3 candidates file for a position, there would be no primary and all 3 names would be on the general ballot. If 4 or more candidates file, there would be a primary and the top two candidates would move on to the general.

SB 128 – Proposed by the SOS, this bill would cancel the presidential preference primary for 2012. It would maintain the laws that require a PPP every four years, but

defer it until 2016. This was proposed in recognition of the fact that in the current state budget climate, funding for the PPP is unlikely.

SB 129 – Proposed by the SOS, this bill would amend the law governing elections to fill Senate vacancies. Current law requires an expedited election if a Kansas Senator resigns before October 15. The schedule does not allow time for a candidate filing period or a primary election. This bill would establish procedures like those governing vacancies in other elective offices, including county clerk: if the vacancy occurs before May 1 of the second year of the term, the person appointed to fill the vacancy must face a mid-term election for the remainder of the unexpired term.

SB 130 – Proposed by the SOS, this bill would adjust candidate filing deadlines in years when the legislature draws new district lines (2012, 2022, etc.). Current law contains special filing deadlines if the legislature is

unable to finalize new districts early in the process. This bill would adjust the deadlines further to allow time for CEOs to prepare overseas UOCAVA ballots.

SB 169 – This bill would remove the authority of the Secretary of State to appoint election commissioners in counties with populations exceeding 130,000 (JO, SG, SN, WY) and to authorize the board of county commissions in the respective counties to appoint their election commissioners.

SCR 1603 – This is a concurrent resolution that, if passed by a 2/3 vote of both houses of the legislature, would create a statewide vote at the August primary in 2012 on a constitutional amendment to abolish the Supreme Court Nominating Commission and to require the Governor's appointments to the Kansas Supreme Court to be approved by each house of the Legislature.

SCR 1604 – This is a concurrent resolution that, if passed by a 2/3

vote of both houses of the legislature, would create a statewide vote in November, 2012 on a constitutional amendment to enact a Health Care Freedom Amendment to preserve constitutionally the right of individual Kansans to provide for their health care and to preserve the right of persons, employers or health care providers to be free from laws compelling participation in any health care system.

2011 House Bills

HB 2067 – Proposed by the SOS this is the Secure and Fair Elections (SAFE) Act. It would: (1) require photo ID from every voter each election, with certain exceptions, (2) require proof of US citizenship when registering to vote (this does not apply to individuals registered before 1/1/12), (3) enhance the security of mailed advance ballots, and (4) authorize the SOS to prosecute election crimes in addition to county/district attorneys and the Attorney General.

HB 2080 – Proposed by the KCCEOA, this

bill would move the candidate filing deadline for extension council elections from the Wednesday following the Tuesday 5 weeks before the April election to the Tuesday 10 weeks before the election, to coincide with filing deadlines for candidates for other offices elected in April. Note: The bill needs to be amended because, as drafted, it says the deadline is Wednesday following the Tuesday 10 weeks before the election.

HB 2126 – This bill would move the nonpartisan elections for local governing bodies, currently conducted in the spring of odd-numbered years, to coincide with the elections for partisan offices conducted in the fall of even-numbered years.

HB 2189 – This bill would reduce the number of publications required of various county officers from two or three publications to one publication if they post the publication on their web sites.

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HAVA

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voting equipment in the state of Kansas. To date, the Secretary of State has not communicated a set standard for these records, leaving the scope and methodology for each county to decide. While this system is fine for our purposes, these federal regulations require that inventory records contain specific information for each piece of equipment. Since these requirements were never communicated to Kansas counties, we don't expect you to have the necessary information in one place. However, as the audit report is finalized and we receive official recommendations from the EAC, the SOS will distribute a policy for inventory management to ensure that county and state data come into compliance with the common rule's requirements.

This is likely to happen in other areas too. While the audit obviously scoured our financial records to see how we have spent our HAVA funds (more than \$25 million in expenditures to date), it was also largely a compliance audit.

Our auditors, John Borrelli and KB Mandefro of Clifton Gunderson LLP, spent a significant portion of their time ensuring that we were following the regulations put in place at the federal, state and local levels. Through three administrations, several staff changes and multiple financial systems we are proud to say that our compliance with HAVA and our organization has impressed these experienced auditors.

Finally, we wish to say thank you to all of you for your diligent work throughout the years of HAVA. While the audit

included visits to only six of our 105 counties, we are confident that the auditors would have found the same high level of professionalism, organization and competence at all of the counties in Kansas. We want to send a special thanks to Libby Ensley, Shawnee County; Brian Newby, Johnson County; Bruce Newby, Wyandotte County; Janet Klasinski, Leavenworth County; Jamie Shew, Douglas County; and Bill Gale, Sedgwick County. They represented Kansas incredibly well during the visits we and the auditors made to their counties. ■

McHenry elected Grant County commissioner

After 36 years of experience in Grant County government, former county clerk Linda McHenry was elected as a Grant County Commissioner in November, 2010. She retired as county clerk in the process.

Linda was county clerk for 26 years. Prior to that, Linda worked as the deputy county appraiser and as a part time staff member in the county clerk's office.

As a testimony to Linda's work over the years, Linda did not have an opponent in the 2010 primary or general election while running for county commission.

It is interesting to note that when Linda first started working for Grant County, the offices did not have computers—now look at us!

With all of the new spare time she will have, Linda plans on spending more time with her grandkids and fishing. ■

Federal regulations require significantly more than our current inventory records contain. At a minimum, the county and/or state must keep the following information for each piece of federally-funded equipment:

- A description of the property
- A serial number or other identification number
- The source of the property
- Who holds the title
- The acquisition date
- The cost of the property
- The percentage of federal participation
- The location of the property
- The use of the property
- The condition of the property
- Information on equipment disposal once a piece of machinery is sold or otherwise disposed.

Legislation

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HB 2224 – This bill would require each candidate for state or national office to provide proof of citizenship to the Secretary of State at the time they file for office.

HCR 5004 – This is a concurrent resolution that, if passed by a 2/3 vote of both houses of the legislature, would create a statewide vote in November, 2012 on a constitutional amendment to restrict cities' home rule powers to change their forms of government for a period of four years after the voters of the jurisdiction have approved a change in the form of government.

HCR 5006 – This is a concurrent resolution that, if passed by a 2/3 vote of both houses of the legislature, would create a statewide vote in April, 2011 on a constitutional amendment to state that the executive and judicial branches of state government cannot direct the legislative branch to appropriate money for any purpose.

HCR 5007 – This is a concurrent resolution that, if passed by a 2/3 vote of both houses of the legislature, would create a statewide vote in November, 2012 on a constitutional amendment to establish a new Health Care Freedom section to the Kansas constitution to preserve the right of Kansans to provide for their health care and to be free from laws compelling participation in any health care system.

HCR 5008 – This is a concurrent resolution that, if passed by a 2/3 vote of both houses of the legislature, would create a statewide vote in November, 2012 on a constitutional amendment to abolish the policy of adjusting federal census data to count college students and military personnel at their permanent residences for purposes of redistricting of the Kansas House, Kansas Senate and State Board of Education.

HCR 5010 – This is a concurrent resolution that, if passed by a 2/3 vote of both houses of the legislature, would create a statewide vote in November, 2012 on

a constitutional amendment to clarify that it is the Kansas Legislature that has the authority to determine the equitable distribution of public school funds.

HCR 5011 – This is a concurrent resolution that, if passed by a 2/3 vote of both houses of the legislature, would create a statewide vote in November, 2012 on a constitutional amendment to establish a contingency reserve fund, or "rainy day fund," and a debt prepayment fund in the state treasury. ■

KCCEOA

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discussion include 2010 U.S. Census results, redistricting, and ELVIS list maintenance.

Secretary Kobach is strongly interested in getting out to meet the CEOs around the state. He plans to attend at least some of the regional meetings to be held this spring, and he is scheduled to attend the KCCEOA conference in Salina.

SOS staff will communicate with CEOs about details for May 5 as planning continues. ■



International visitors: On Wednesday, February 9, Memorial Hall hosted the International Officer Conference, an event that gave military personnel from several dozen nations an opportunity to learn about U.S. government elections, and meet the Secretary and Governor Sam Brownback.

KRIS W. KOBACH
Secretary of State



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STATE OF KANSAS

Dear Colleagues:

It is an honor to be elected as your 31st Secretary of State, and I look forward to working side by side with you to promote secure and fair elections throughout Kansas. When I took office in January, I brought with me a leadership team of individuals that are uniquely qualified to serve in their respective positions. Allow me to introduce them.

Eric Rucker, now *Assistant Secretary of State*, previously served as Deputy Assistant Secretary of State for Elections, Shawnee County Commissioner, Dickinson County Attorney, Senior Deputy Kansas Attorney General, and Chief Deputy District Attorney in Johnson County. **Ryan Kriegshauser**, now *Deputy Assistant Secretary of State for Policy*, practiced law with the firm Graves Bartle Marcus & Garrett, primarily in the areas of election law, complex commercial litigation, and constitutional rights. **Kay Curtis**, now *Public Affairs Director*, was previously a corporate lawyer in the reinsurance industry and a financial advisor. She currently owns and operates a self-defense training company and an organic farm. **Tom Treacy**, now *Assistant to the Secretary of State*, recently earned his degree in business administration with a minor in political science from Kansas State University, and served as Deputy Campaign Manager in charge of my election campaign's statewide grassroots effort. And **Debra Banister**, now *Executive Assistant*, was my administrative assistant at the University of Missouri-Kansas City School of Law, and is currently working toward a master's degree in criminology.

Every member of my team is dedicated to working hard for the people of Kansas. I am delighted that they have agreed to assist me.

Regarding elections, my office has proposed bills to accomplish the following:

- 1) Ensure that only U.S. citizens register to vote in Kansas elections, require voters to provide photo IDs at the polls, and increase investigation and prosecution of voter fraud. House Bill 2067, the Secure and Fair Elections (SAFE) Act.
- 2) Improve absentee voting procedures for uniformed and overseas citizens. Senate Bill 103.
- 3) Defer the presidential preference primary until 2016 due to budget constraints. Senate Bill 128.
- 4) Replace the expedited election for a Kansas Senator resigning before October 15 with a midterm election for the appointee if the vacancy occurs before May 1 of the second year of the term. Senate Bill 129.
- 5) When the legislature draws new district lines, adjust candidate filing deadlines. Senate Bill 130.

It will be my pleasure to see you in person at the annual spring conference of the Kansas County Clerks and Election Officials Association in May. I look forward to hearing your ideas and experiences.

See you in Salina,

A handwritten signature in black ink that reads "Kris W. Kobach". The signature is fluid and cursive.

Secretary of State Kris W. Kobach